

**CITY OF MILPITAS  
APPROVED**

**PLANNING COMMISSION MINUTES**

**March 23, 2005**

**I.  
PLEDGE OF  
ALLEGIANCE**

**Chair Lalwani** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.  
ROLL CALL**

Present: Azevedo, Galang, Garcia, Lalwani, Mandal and Williams  
Absent: Mohsin  
Staff: Carrington, Heyden, Lindsay, Reliford and Rodriguez

**III  
PUBLIC FORUM**

Chair Lalwani invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.

There were no speakers from the audience.

**IV.  
APPROVAL OF MINUTES  
March 13, 2005**

Chair Lalwani called for approval of the minutes of the Planning Commission meeting of March 13, 2005.

There were no changes from staff.

**Motion** to approve the minutes as submitted.

M/S: Galang/Mandal

AYES: 6

NOES: 0

**V.  
ANNOUNCEMENTS**

**James Lindsay, Acting Planning Manager**, provided the Commission an application for the 4<sup>th</sup> of July parade. If the Commissioners are interested in participating please contact the Chair or staff.

**VI.  
CONFLICT  
OF INTEREST**

Chair Lalwani asked if the Commission has any conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Chair Lalwani called for approval of the agenda.

There were no changes from staff.

**Motion** to approve the agenda.

M/S: Galang/Mandal

AYES: 6

NOES: 0

**VIII.  
CONSENT CALENDAR  
Consent Item No. 2**

Chair Lalwani asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Mr. Lindsay noted that the public hearing does not need to be opened on consent item no. 2 (Minor Tentative Map No. MI2004-3) because it is a continuation and the public hearing is already opened.

**Motion** to approve the Consent Calendar on Consent Item No. 2 and continue the item to the April 13, 2005 meeting

M/S: Azevedo/Galang

AYES: 6

NOES: 0

**\*2 MINOR TENTATIVE MAP NO. MI2004-3:** A request to subdivide an existing parcel into two (2) parcels for purposes of creating a new parcel for future residential uses at the Milpitas Town Center, northeast area of Calaveras and Milpitas Boulevards (APN: 028-12-019), zoned Town Center (TC).

## IX. PUBLIC HEARING

### TRANSIT AREA PLAN ALTERNATIVES ANALYSIS AND RECOMMENDATION TO THE CITY COUNCIL

**Tambri Heyden, Acting Planning and Neighborhood Services Director and Leslie Gould, Director of Planning Services with Dyett and Bhatia**, presented an analysis of alternative conceptual land use vision plans for transit oriented development for a 400-acre study area surrounding the future Montague/Capitol BART station and two VTA light rail stations. Staff recommended that the Commission make a recommendation to city council regarding the transit sub area conceptual land use plans.

Mrs. Gould pointed out that Berg and Berg Enterprises, Inc. submitted a letter to the Commission that they do not prefer staff's recommendation and prefer the following:

- Staff is recommending the concept plan with retail mixed use and Berg and Berg would like the alternative policy changes showing residential and retail mixed use, which is a much stronger residential plan.
- Staff is recommending a minimum FAR of 1.5 and Berg and Berg wants 1.0.
- Staff is recommending 31 units per acre while Berg and Berg is requesting 18 units per acre.

Mrs. Gould also pointed out that the Kunde Site would be a good residential site if BART is below grade.

**Commissioner Galang** asked if a pedestrian bridge is built above Piper Drive and Montague Expressway what would be the height of the bridge and would it be acceptable to the handicapped.

Mrs. Gould pointed out that staff is recommending a pedestrian bridge. The property owners, VTA and BART have felt very strongly that a connection from the residential area to BART is a key to making the neighborhood transit oriented. It would have to have handicap accessibility, which is a state requirement and would be a very long ramp with stairs and elevators. The bridge should be designed to be inviting and easy to use like the pedestrian bridge in Berkeley across I-80.

Commissioner Galang asked what would happen to the transit area plan if no BART stations are built. Mrs. Gould replied that the two light rail stations would remain and the development of the parcels where BART would have been would be residential.

**Vice Chair Garcia** asked what are the constraints in regards to sewage capacity.

Ms. Heyden responded that staff is in negotiations in buying capacity with two different agencies and because it is a long-term plan, staff is questioning whether to sit at the table now and purchase all that is needed or negotiate it in five year increments.

Vice Chair Garcia asked if the Redevelopment Agency has a role in the sewage function and Ms. Heyden replied that it might.

Vice Chair Garcia pointed out that there is a lot of traffic congestion in the Great Mall / Montague area and suggested that now is the time to start thinking about innovative ways to move people around in the area.

Mrs. Gould noted that one of the tasks of the next phase is to figure out how to minimize the traffic impacts. Retail is an off peak use and the walk and bike trips should be facilitated as much as possible and that is the whole idea of transit oriented development. But it has to be designed to make it comfortable and easy. She did agree with Vice Chair Garcia that there are many challenges with Montague Expressway.

**Commissioner Mandal** asked about the mixed use development and asked if it is too early to look at bicycles, or is that part of phase II. Mrs. Gould responded that the Commission could make suggestions on a bicycle route policy, however the details wouldn't be figured out until phase II.

Commissioner Mandal asked if this is the time to make a recommendation to City Council to have BART built underground.

Ms. Heyden clarified that the whole issue of the design of the BART be it aerial or retained cut is very significant and staff is in the process of analyzing the pros and cons of each design. The timing didn't work out to look at that as part of the process and Dyett and Bhatia had to move forward with the preparation of the plans. Staff will be coming forward in May with an analysis of the Aerial BART station and will need the Commission to make a recommendation on one of the two designs because the VTA is seeking a position by the City on the aerial station option.

Ms. Heyden also stated that the Commission could make a recommendation to the Council, however staff would have a lot more information in May to make an educated decision. In terms of the land use designations on the property, staff has looked at the impact of aerial BART versus retained cut and staff thinks that the uses that are reflective will work in either case however the setbacks may be different; there may be greater buffers which could impact the developers because with an aerial design, that means less land area that can be used for residential which could yield a lower number of units.

Commissioner Mandal concluded that he would support staff's recommendations and in terms of Montague/McCandless area, he supports the retail mixed-use and supports 31 units per acre.

**Commissioner Williams** asked for clarification on the preliminary concept plan in relation to the alternate policy in the McCandless area. Mrs. Gould clarified that it is mixed use which could mean a shopping center on the ground floor and housing and retail above and could also be strictly retail.

Commissioner Williams asked for clarification on the alternate concept plan and asked if it would be residential mixed use or strictly a residential area. Mrs. Gould said that staff called it High Density Mixed Use and said that it could be hotel or office or residential and all of those uses are allowed by right.

Commissioner Williams said that he is concerned about parking, specifically since the Great Mall is showing signs of capacity and wants to see how this interrelates especially during the holiday season.

Commissioner Williams knows that the plan is preliminary but highly suggested that staff include the telecommunications master plan into the project.

Chair Lalwani asked Mrs. Gould to show her illustrations with and without BART. Mrs. Gould explained that the plan would work with or without BART, but if BART were not here, the City would still have the light rail stations, and felt it is appropriate to have high density residential around the light rail station. Staff recommends deep setbacks on Montague Expressway and park facilities with the focus around the light rail station.

Chair Lalwani asked staff what is the usage of the light rail and BART every day. Ms. Heyden pointed out that staff provided a table on page 3 of the staff report. Staff generated ridership numbers for each of the three concepts by borrowing a model that VTA uses to determine ridership projections.

Chair Lalwani asked if BART does not come to Milpitas, would ridership projections for the light rail station go up. Ms. Heyden explained that she is not quite sure because light rail is more for the live work trips and BART is used by individuals to get from one region to another. Staff thinks that this transit area plan is needed regardless of whether or not BART comes because there is an opportunity with all the new residential built in the area and Milpitas's location in the Silicon valley. Staff felt that a lot of the homeowners would jump on light rail to go to their jobs in the Silicon Valley area and is not sure if there is a dependence on one versus the other.

Chair Lalwani opened the public hearing.

**Kim Singh, 2063 Frank Court**, appreciates Commissioner Mandal talking about bike lanes and hopes that the Commission would include that in future plans. Mr. Singh also suggested that the City provide wireless hot spots to the area to generate revenue.

**Don Peoples, 529 S. Main Street, President of Downtown Association**, noted that his community working group strongly suggested that BART be below grade. He felt that community input should be part of the key steps in moving forward and is concerned that the transit area plan was not presented to the Downtown Association. He felt that if density is reduced, there will be no room for parks. He has talked to the PRCRC and there is not a clear understanding of what a park is in a dense urban environment. He felt that the mixed use and retail is important and as a professional, he finds very few places that he can actually own his own business and be in close proximity to amenities and felt that this is a serious deficiency in Milpitas. As a member of the Economic Development Commission, he thinks it is a great concept and could benefit the area.

**Ed Connor, 1515 North Milpitas Blvd.**, announced that VTA will provide an update about BART at the April 5th City Council and there will be a transportation subcommittee meeting on March 31<sup>st</sup>. He felt Milpitas should list their transportation needs before getting too involved with a plan and felt there is a critical need for transportation for seniors such as a PRT system or Levix. Levix is a rapid mass transit system that runs on a magnet field.

**Greg Poncetta, representing Brookwood, the Property Owner at 330 Montague Expressway,** is concerned that they were not notified until 3 weeks ago about the project. The property owner is eager to work in the process and would like to contemplate rezoning the property to residential. Under the existing specific plan, it is surrounded by residential uses to the north and the east, so it would fulfill the rest of the block if it were rezoned for residential. The property is within the 1/3 radius of the light rail station and it is a 9-acre site and could provide good units for the city. Also, with the recent development of BART being above or below grade, it will be a long time before the rest of the sites adjacent to BART are going to be available for development and this site could be available in 12 months.

**Rob Means, 1421 Yellowstone,** is concerned about traffic and parking issues and also the cost of building pedestrian overcrossings. He pointed out that for the cost of building overcrossings, the City could build a mile and a half of a PRT system and felt it would be the most effective way to move people around the Great Mall area. He has been on bicycle around Montague and it is a pedestrian unfriendly area. He felt that the PRT system should be inviting and easy to use and it would support the goals of the City.

**Jim Murar, 1405 S. Milpitas Blvd.** thanked the Commission, Council and staff, in taking on this huge effort. He strongly supports the plan and noted there were a few issues that needed to be resolved such as connectivity with parks. They are in full support of staff's recommendations and consider connecting the residents to the Great Mall and light rail a great idea. He also agrees with Commissioner Williams that the Union Pacific railroad is a big issue in regards to the BART location.

**Myron Crawford, representing Berg and Berg Developers,** thought that staff and the consultant did an excellent job of illustrating their comments on the plan. He explained that Berg and Berg owns the entire strip on McCandless and would like to maximize the entire property. Staff adequately addressed their comments and Mr. Berg is a long time property owner and he would like to see lower residential densities, retail and offices. Berg and Berg proposes the alternative policy plan and if the City allows a retail overlay to be selected over the alternative policy choice, then Mr. Berg would probably not be interested in participating in the vision plan.

Vice Chair Garcia asked Mr. Crawford if Mr. Berg is interested in big box retail.

Mr. Crawford felt that Mr. Berg thought that big box retail is not good for the location based on paying higher land values, however he is not opposed to retail and that is why he is leaning towards mixed-use. If retail was in demand, then Mr. Berg would be interested in intense retail development.

Vice Chair Garcia asked staff to explain retail overlay versus retail mixed use.

Mrs. Gould explained that Berg and Berg is interested in having the alternative plan adopted so they have the right to build more residential and hotel and offices and are looking at maximum flexibility. Staff felt that the City's position is to maintain some openness until the EIR is prepared which will provide more information.

Commissioner Williams is concerned about the McCandless area. As a planner, he looks at the bigger picture and felt that if residential is going to be increased, people have to eat and would need the support of a supermarket nearby. Currently, he felt that there is nothing that supports the pedestrian friendly principle such as people being able to walk instead of driving. He asked if the property owner would be willing to allow retail to be built on the property to support the residents.

Mr. Crawford replied that a supermarket could probably work but so far, Berg and Berg has not done any marketing on retail. It is such a long range plan, he doesn't know if it would be a proper fit.

Commissioner Mandal asked if staff reached out to the community. Ms. Heyden replied that staff had a community meeting on February 22<sup>nd</sup> and staff notified the property owners and residents in the area. Also, notices were not sent to the Downtown Association, however staff will coordinate with Mr. Peoples to give a presentation to the Downtown Association.

Commissioner Mandal asked if there would be other opportunities for community outreach. Ms. Heyden said she is not sure about that happening before the next City Council meeting but since this is a concept plan, when staff goes forward with phase II, the plan will most likely get modified and that would have to be done through outreach and public meetings.

**Commissioner Azevedo** asked why Mr. Poncetta was notified only 3 weeks before the public hearing. Ms. Heyden responded that he was notified, however the property ownership on the tax roll had changed and staff did not get a return notice. Staff also attempted to hand deliver the notice. Staff met with him a week ago and reflected his concerns in the staff report.

**Motion** to close the public hearing.

M/S: Galang/Mandal

AYES: 6

NOES: 0

Vice Chair Garcia said he would support the concept plan with the following recommendations:

1. Formally considering alternative transportation solutions to move people around,
2. Taking a position opposing an elevated BART,
3. Ensuring that there is community input and make sure that the community gets involved.

Commissioner Williams stated he is concerned about the McCandless area because he sees what has taken place along the Great Mall regarding the parking issues. He is supportive of the plan but the one block along Great Mall bothers him because there is an issue with cars, commuters, work and shoppers. He even hears the fire service and ambulance wails because the cars are jammed up and on holidays it is even worse trying to get through the area. He felt that added retail would be hard to deal with.

Commissioner Mandal felt that staff has come up with a good vision in the area and felt that the Commission needs to take a stand on BART being underground. He would like to see residential mixed use.

Commissioner Galang agreed with his fellow Commissioners regarding traffic and noise. He felt that the BART station should be located at Capitol and Lundy. He also supports the sports facility and mixed use rather than residential.

**Motion** that as part of Phase II, staff and the consultant consider innovate transportation solutions.

M/S: Garcia/Mandal

AYES: 6

NOES: 0

**Motion** that the Commission formally opposes the elevated BART in the Transit Sub-area plan.

M/S: Garcia/Mandal

AYES: 6

NOES: 0

**Motion** to formally request that staff have a process for community input and strongly ensuring that the community is involved in this process.

M/S: Garcia/Galang

AYES: 6

NOES: 0

Commissioner Williams made a motion to substitute retail mixed-use for high density mixed use in the area along Great Mall Parkway and McCandless and Commissioner Azevedo seconded the motion.

Ms. Heyden stated that it would lose the ability to develop a lifestyle area such as Santana Row because street frontage is needed to create a mixed use project and by limiting the amount of retail designation, it would need the depth.

The Commission continued to discuss this further.

**Motion** to recommend to City Council submittal of both the Preliminary Concept Plan and the Alternate Policy Choices Plan to be studied as part of the Specific Plan amendment. The Alternate Policy Choices Plan would be identical to the Preliminary Concept Plan except for the area banded in black, shown on the Alternative Policy Choices Plan presented to the Planning Commission (for the McCandless area opposite the Great Mall) with High Density Mixed Use and High Density Transit Oriented Residential land uses replacing the Retail Mixed Use designation.

M/S: Williams/Garcia

AYES: 6

NOES: 0

**Motion** to make a recommendation to City Council that it pursue a Specific Plan Amendment regarding the Transit Subarea Plan alternatives analysis and recommendation to City Council as proposed by staff and as amended by the Planning Commission.

M/S: Mandal/Garcia

AYES: 6

NOES: 0

**X.  
NEW BUSINESS**

**Felix Reliford, Principal Housing Planner**, presented a review of the General Plan Housing Element Policies, Tasks/ Implementation and Status Report.

Vice Chair Garcia noted that two years ago, the *Mercury News* rated the affordable housing program a D grade and asked how is the City doing today. Mr. Reliford noted that today, the City is meeting 72% of its goals which is probably a B average. The last reporting period, the City met 82% of its regional fair share of housing. The state housing element was originally due in June 30, 2006, the state legislators have set it back so the next housing element is in June 30, 2007.

Vice Chair Garcia asked if there is a problem with aging housing rehabilitation program. Mr. Reliford pointed out that housing stock is not as old as some other communities and that 60% housing stock was built after the 1970's.

Commissioner Mandal asked how much land does Union Pacific Railroad own. Mr. Felix noted that he could find the information in the Midtown Specific Plan.

Commissioner Mandal asked if it is part of the Midtown Plan to redevelop the Union Pacific Railroad area or if that is part of the Housing Element. Mr. Reliford replied that the land use is driven by the Midtown Plan.

Commissioner Williams asked Mr. Reliford if he has been in conversation with Union Pacific and Mr. Reliford replied No.

Commissioner Williams asked what is Union Pacific Railroad's plan for their area. Mr. Lindsay explained that staff was in contact with representatives from Union Pacific railroad about a year and a half ago. They are interested in the Midtown Specific plan, however the rail yards are currently servicing their number 1 client – General Motors – for the transporting and parking of vehicles. Until they can find an alternative delivery point, the area will be functioning as vehicle staging and a switching yard. Half of the rail yards are zoned for high-density residential development. When staff talked about 5,000 more units in that area, that residential area was included in the numbers. The remaining piece of the rail yards, north residential zoning, is designated as future study area within the Midtown Plan with a base zoning of heavy industrial. As far as what would drive the infrastructure, going from a zero tax base in a redevelopment area to private market rates, staff is positive that the redevelopment agency would play a part.

Commissioner Williams is concerned about young people trying to afford a three to four bedroom and along with that, having renters live there. He is also concerned about extra vehicles and how does that plan on being addressed. Mr. Reliford noted that it is very difficult to entice developers to build more parking and staff does not require more than two parking spaces per unit.

Vice Chair Garcia asked if the City has any problems with discriminating against immigrants. Mr. Reliford noted that the biggest problem is not race but more of discrimination to single women with kids, disabled persons, and people with dogs.



**XI.**  
**ADJOURNMENT**

The meeting was adjourned at 9:28 p.m. to the next regular meeting of April 13, 2005.

Respectfully Submitted,

James Lindsay  
Acting Planning Manager

Veronica Rodriguez  
Recording Secretary